

# VILLAGE OF BOLIVAR COUNCIL MEETING March 6, 2017

The Bolivar Village Council met in regular session on **Monday, March 6, 2017**. Mayor Hubble called the meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Lloyd opened the meeting with a moment of prayer. Gettan, Lang, Lapp, Lebold, Lloyd & Vincent answered roll call.

Vincent moved, seconded by Gettan to accept the previous meeting minutes, bills paid and financials. In a roll call vote, all members present voted yes.

The Fiscal Officer read the bills for the month of February, totaling \$38,597.35. Lapp moved, seconded by Lloyd to approve the bills. In a roll call vote, all members present voted yes. There were no corrections or additions to the agenda.

**PUBLIC SPEAKS:** - none

**MAYOR HUBBLE** – nothing at this time

**FINANCE:** - Lapp reported finance met at 6pm and discussed the following items that need approval. The first item for discussion is a water & trash exemption for a resident who will be out of state for at least two months or more. Lapp moved, seconded by Vincent to approve the exemption through May; subject to their return if sooner. In a roll call vote, all members present voted yes.

Lapp presented a resolution to amend appropriations in the Income Tax fund totaling \$1,101.00 for the movement of some line items. Lapp moved, seconded by Lloyd to approve **RESOLUTION R-4-2017 to amend appropriations**. In a roll call vote, all members present voted yes.

Lapp stated the Fiscal Officer would like to attend the CPIM (Center for Public Investment Management) training on April 6, 2017 to get certified. The cost of travel is \$145.00 plus mileage and food. In addition there is an annual fee in the amount of \$100.00 to cover all CPIM related trainings or webinars throughout the year. Lapp moved, seconded by Gettan to approve the expenses. In a roll call vote all members voted yes.

Lapp moved, seconded by Lang to approve the annual membership fee to participate in the state co-op purchasing program. In a roll call vote, all members present voted yes.

Lapp brought forth an Ordinance to approve the annual permanent appropriations. Lapp moved, seconded by Lloyd to suspend the rules for **An ORDINANCE to make annual appropriations for Current Expenses and other Expenditures of the Village of Bolivar, State of Ohio, during the fiscal year ending December 31, 2017**. In a roll call vote, all members present voted yes. Lapp moved, seconded by Lang to approve the annual appropriations as **ORDINANCE O-14-2017**. In a roll call vote, all members present voted yes.

Lapp announced on April 25th the Tree City USA ceremony will be held in Loudonville. An invitation was opened as to who would like to attend. The Mayor, Tim Lang and Dave Franks would like to attend. The rate is \$25.00 per person. Lapp moved, seconded by Vincent to approve the registration fee totaling \$75.00 plus mileage to reimburse Franks for the use of his vehicle. In a roll call vote, all members present voted yes.

Lapp stated we have a contract with RCAP for the GIS mapping application on the tablet. The cost is \$210.33 per quarter for the application. Lapp moved, seconded by Lang to approve the expense as a resolution. In a roll call vote, all members voted yes to approve **RESOLUTION R-5-2017**.

Lebold added one additional item to the finance report. He said the Police Chief has a training session in Columbus on April 30 thru May 2, 2017. It's a Chief's in-service in the amount of \$625.00. Lebold moved, seconded by Gettan to approve the expense. In a roll call vote, all members present voted yes.

**PLANNING** – Lebold reported they had a zoning meeting on March 2nd. Zoning didn't have anything new or pressed to bring up. They wanted to have a meeting since they didn't have one for several months. Lebold reported the former Wilson Company sold their building to Wood Electric. Wood will be using it for storage of their equipment inside and out.

There is also a lot in town that has been in question for getting cleaned up. Franks has sent a letter to address the concerns. Franks didn't have anything additional to report.

**SAFETY** – Lebold reported that the crossing guard, Rachel Tolley, has resigned but her neighbor Debbie Bollinger has expressed interested in the position. Lebold said she would have to talk to the Fiscal Officer about getting an application and having a background check done. The Fiscal Officer interjected, first council would have to go through this process first of approving by an Ordinance. She would then need to come in and complete the standard paperwork. Armstrong interjected she would need a hiring Ordinance. Lebold stated safety is bringing her up because Rachel will be done within the next week or so. Lebold made a motion to suspend the rules, seconded by Vincent. In a roll call vote, all members present voted yes. Lebold moved, seconded by Gettan to approve an **ORDINANCE, O-15-2017, TO HIRE DEBBIE BOLLIGNER AS A CROSSING GUARD; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes to approve the Ordinance.

Lebold also reported there were 85 calls cleared in the month of February.

**CHIEF** – Recognized Lebold for being thorough and doing a wonderful job.

**STREET & ALLEY:** Lloyd reported they had their regular committee meeting. There was some discussion on some roads that haven't been paved in a while. They will be inspected the roads to get ready for bidding.

Other items discussed by the committee were a few water line breaks. In other news, there are a few pieces of equipment that are in need of being replaced which include a bucket and bristles for the Bobcat. There is also a storm basin on Tuscarawas Street that needs replaced. Franks interjected he is still waiting on pricing to find out where we are at.

Lebold asked if the culvert is scheduled for this spring. Franks stated as soon as his helpers come in they will get a line locate; it's on Tuscarawas Street near the old body shop. "It's an old catch basin that's caving in; with the Strawberry Festival coming up we're going to put a pre-cast in there and get it doctored up so we don't have any problems."

Lebold inquired about the status of the Parkview Project; Franks said he has to get a hold of Brinkman; when he's ready to come in we can go ahead and get started. Lebold said, "as long as the residents are signed up". Franks said as far as he knows everybody's on board. There was discussion amongst council as to whether or not anyone signed anything yet regarding the project. Armstrong said she has not yet received anything from any of the residents. Franks stated he will go down and talk to them.

### **STREET SUPERINTENDANT / ADMINISTRATOR -**

Franks reported the EPA has mandated that we do a lead and copper mapping system. It didn't cost us anything since it was already included with the grant the Mayor obtained through RCAP with the GIS mapping. Franks stated it needs to be in the EPA's hands by 3/9/17. Franks noted that the Village doesn't have any lead service lines. "We have never been over our MCL for lead". Ever since the Sebring situation; every water system has to do this. Copies of the maps will go to the EPA, the Health Department and a copy for the Village. The Villages water lines are ductile iron and the service lines are copper. The Mayor added that she has a copy of what is being submitted to the EPA. The sampling sites are also on this map.

In other news, Franks reported they are getting ready to start pouring concrete soon.

**SHADE TREE** – A recap was given that representatives will be attending the Tree City USA in April and accepts the award for the Village. "This will be 25 years for the Village".

**RECREATION** - Recreation met on February 20th at their regular meeting. The Bolivar Baseball Association was contacted. Franks said their insurance covers them through the end of March 2017. The Association sent a letter requesting permission to use the fields until the new insurance begins. The insurance is based on the number of players.

Vincent reported Franks cleaned the Simon Bolivar sign that was on Route 212 across from the ball fields and it will be reinstalled somewhere on the Towpath Trail where it's visible; perhaps by a bench area or parking area.

In regards to the Trail, there is a list of items that have already been approved for the trail for two each of trash containers, benches and bike racks; still working on getting the best price.

**FISCAL OFFICER** – none

**LAW DIRECTOR** – Armstrong began by discussing with council the memos she had previously sent. The first is in regards to Quicksall and some items they brought to finance regarding some grant funding. We don't need to go into this yet since we aren't going to do the contract process yet; but does anyone have any questions about this while we are here; regarding the qualification base selection process? Armstrong stated we need to have another firm submit a bid. Armstrong stated she has forms so when the Village starts the process, we will send solicitations for qualification proposals. Those will come in;

council can set up a committee if they choose. The proposals will be ranked then council would negotiate the contract. The Village needs to send out enough requests so we receive at least three prospects back to get scored; which are the minimum under the law. All new proposals will have to be sent out. Vincent asked when this will take place. The Mayor responded we will need to wait until after the ARC Funding is submitted to see what is going on with that at this point.

Armstrong stated there will be two steps; there will be bidding out for the actual construction services part of it and when doing a public improvement project, if you need engineering services, there needs to be a selection process. Multiple options will need evaluated and come up with a ranking. Once the Village receives the funding and determines they want to go ahead with the project, we will solicit for these qualification proposals. We are there yet. Once we are, we can enter into a contract with the highest rated company. Armstrong stated this has turned into a much larger job so it will have a lot of extra requirements that we will want to make sure that we follow.

Lapp asked if all the items Quicksall has performed so far, if it will need re-done. Armstrong clarified that what they did so far was the actual application process for the ODOT grant. The actual engineering for the project itself will need to be selected. The current drawings we have from GPD were done years ago and it was for a much smaller project. Those drawings also were not ODOT certified. The drawings will still be used; but modified for ODOT specs. The Mayor noted, initially the proposed engineering services cost around 35,000.00, under the 50,000.00 bid requirement. However, when the project increased to include water lines and paving, the cost of engineering services increased to approximately \$79,000.00. Due to the project increase, it will need bid out since it exceeds the \$50,000.00 minimum bid threshold.

The next item for discussion was the topic of Senate Bill 199. Armstrong stated she sent a memo about this to bring to councils attention to review changes to the Ohio's Concealed Carry Laws. First of all there's an issue as to carrying in one's personal vehicle and not being able to prevent that. The second change where the village will need to decide if they want to do anything or not. It basically allows municipalities to provide by Ordinance to permit someone with a valid license to carry inside government buildings. We would be talking about Village owned buildings that we control; we would be able to pick and choose which buildings we would allow if we wanted to do so. Armstrong noted this building (referring to council room) is connected to the Police Station and by law no one would be allowed to carry in police stations, period. Since the council chambers are located in the same building, no one would be able to carry in here. Armstrong went on to note, the offices are not connected so council may want to consider allowing that pending input from the Chief. Haugh didn't have any problem with Concealed Carry; especially the employees. We know the CCW holders had background checks. It could be opened to anyone with a valid CCW license. Armstrong stated if council wants to allow something of this nature, they would need to pass an ordinance. Council continued to discuss the topic of which buildings would be allowed and which are to be excluded from carrying.

Lang suggested an Ordinance for Village employees and public officials; but wanted to make sure the police building and council chambers are excluded; no one other than sworn peace officers.

Prior to council making a motion to vote, App added, SB199 will not take effect until March 21, 2017 so even if the Ordinance is approved as an emergency, it wouldn't be in effect until the 21st. Armstrong added language to state, "to be effective March 21, 2017".

Lang moved, seconded by Gettan to suspend the rules. In a roll call vote, all members present voted yes. Lang moved, seconded by Lapp to approve **AN ORDINANCE, O-16-2017, PERMITTING EMPLOYEES OF THE VILLAGE OF BOLIVAR WHO HAVE A LAWFUL CONCEALED CARRY PERMIT TO CARRY CONCEALED IN CERTAIN VILLAGE BUILDINGS; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes.

The next item is an issue the Ohio Municipal League is strongly encouraging Municipalities to approve a **RESOLUTION STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECCTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES, AND DECLARING AN EMERGENCY.** If the resolution is approved, it would be signed and sent to the Governor, along with many other municipalities, stating the village opposes the proposed budget. Lang interjected that we should send it to all the other representatives as well. Lebold moved, seconded by Vincent to approve **RESOLUTION R-6-2017.** In a roll call vote, all members present voted yes.

Next is a 3rd reading for the village rates of pay which has been in discussions for the past two months which is now up for a vote? Armstrong stated if there any further discussion, feel free, if not there would need to be a motion approve and pass. Lang expressed a concern for paying an offset to someone not taking the insurance and feels that should be separated out of this current ordinance and discussed separately. He would like to see it split into two separate ordinances. Lang said he was just worried about it upsetting people and perhaps we need to set a policy on this. Lang stated our situation in the village isn't standard; many other places make the employees pay part of their own premium. He said there is only a handful of places throughout the state have this situation. Lang went on to use the example, what if another employees spouse gets insurance and our employee decides to drop the village insurance; would that employee automatically get the same amount? He said there's not a set policy in place. Armstrong stated council could set a policy. Lang went on to ask, "Why are we going with \$1.50"? Armstrong said it is about half of the single plan rate. App added, the single rate plan is \$2.97 per hour; the employee with child is \$6.03 per hour and the employee with spouse is approximately \$7.00 per hour and the employee family plan wasn't calculated because it doesn't apply at this time but it was estimated at over \$8.00 per hour. App went on to state she was not in that portion of the meeting last month when amounts were being discussed; App then deferred to Gettan who could better address the proposed rate. Lang said "If we are going to do that, I want it so if any other employees spouse gets insurance will they automatically become entitled to the offset."

Lang wants to make sure not a case by case basis' that it's an across the board thing. He said this is a very unique situation. App used an example, if Dave's wife got insurance, and we are currently spending \$7.00 per hour on insurance right now which the village fully funds, if we gave him as much as 3.50 per hour, that's a cost savings of approximately \$7,000.00 per year; that's a win-win for the village. She went on to state, if Randy at some point in time declines insurance due to a future spouse having insurance, and if the Village opted to offset with \$3.00 per hour, that's still a savings of over \$6,000.00 per year. App clarified again, "I did not participate in the discussions last month; I stepped outside so council could discuss; but I will step up and say, it's not a bad policy because the village would be getting back half of the premium money". Lang went on to say, "If I'm getting a 2% raise, and a co-worker is getting a 10% raise, I'm sorry there is going to be a lot of hard feelings, so I'd like to...". Lebold stated, "you could do the same thing and don't take the insurance". It's an option out there; anyone could utilize that option.

Lang reiterated he would like to see a policy that is across the board and not case by case so every employee could get a certain amount.

Armstrong wanted to clarify for the purpose of drafting a policy; if they are foregoing insurance, for whatever reason, they would get half of the base? Gettan said it would be half of the single plan. Lang said he would like to go ahead and pass the regular raises and discuss this policy further at a future date. He would like to see an actual policy and not a quick decision. Lang said, "It's nothing personal Maria...please don't, I just want to see a policy." App said, I totally understand; I know I have to fight for everything I do here so I get it. I'm fine with it." Lang said he doesn't expect that; he just wants to keep things amicable and not get people's feelings hurt. I want everyone to feel like there's a reason why and if you would decide to go on your spouse's insurance, we have an even plain." App said she totally understands and if any one of our employees said they don't want the insurance that would be a huge windfall for the village. We pay over \$32,000 for insurance; if we could get even half of that back, it would be a big score. Vincent added Lang isn't looking at that from that angle; he's looking at it from the perspective of individual rates of pay. App said, "I could look at it from the perspective too of individual pays as well and compare all department heads. If we wanted to go that route too; to look at each department head and their fringe benefits, but I'm not". Lang would like to see it flipped to how all work places are where employees have to pay part of their premium. The problem is it's difficult to change it to the way it should be for employees who have been here for 15 or 25 years. App noted, "Insurance premiums have been a topic for six or seven years; but she never pushed that because the employees need to be appreciated for what they do. They need to be recognized".

Debate continued about how to handle an insurance offset for any employee who chose to decline the insurance. Gettan added the offset would be contingent on a waiver; the employee signing off on the insurance. If at any point in time the employee chose to accept the Village insurance, they would no longer get the insurance offset and their wage would be reduced.

Armstrong stated "App is entitled to the health insurance and she's the only one that has given up that benefit and that's why I'm referring to her specifically". She's giving up something of value. The idea is she's giving up something of great value; which the Village should encourage that because it's saving a huge cost to the Village. So a policy along those lines would be something that would go in our policy manual under the health benefits. Lang said, he understands, he just wants to make sure it's fully thought out and council doesn't just shoot from the hip. He would want it to include the reasons why and how we come to what we come to. Lebold interjected that this situation has gotten..."if we have an employee here that is complaining they are getting so much and App is getting more, then we are talking apples to oranges; we aren't talking about the same thing. If anyone complains that someone is getting more, then let them stop taking the village insurance and we can pay them half the value of the insurance and they can pay their own and get the pay increase. But no one else declined it. If an employee is getting their insurance paid for, that's a big chunk of money". Lang told Lebold he understands, but would like to separate the two ordinances and move forward with the raises for everyone as previously discussed and flush out the policy regarding the insurance. Lebold stated he doesn't like that word, "flush out", he wants to know when council is going to resolve it. Is council going to wait another six months to flush it out or are we going to have it ready at next month's meeting and get it done. There was an ongoing debate that continued between Lang and Lebold. Vincent interjected that Lang isn't looking to pull the proposed ordinance. Lebold thinks he is; he just doesn't want to see this put off. He would like to see this handled next month. Lang doesn't think Lebold understands. Lang wants to see it narrowed down in the policy whether or not the Village would be paying from the family rate or single rate; what is council wanting to do? Lebold asked Lang if he would have that ready for the next council meeting or are you still going to want to "flush it out"? Lang said he didn't know; let's talk about it.

Armstrong interjected; let's talk about the raise for the employee's. What are we going to do? Lang interjected to go with the .50. Armstrong corrected the rate of the Fiscal Officer on the pay Ordinance to \$16.50. If everyone is good with that, maybe we can vote on that now and move forward later to discuss a potential policy change regarding the insurance offset. Armstrong recapped, council would vote on the basic pay increases for everybody then council would discuss the policy change.

Lang moved, seconded by Vincent to approve AN **ORDINANCE, O-17-2017, TO SET THE CURRENT RATES OF PAY FOR EMPLOYEES OF THE VILLAGE**. In a roll call vote, Gettan, Lang, Lapp, Lloyd and Vincent voted yes; Lebold voted no.

Armstrong said, now that you got that done, council can talk about the basic policy changes you would like to propose.

Before proceeding with the next discussion, App added the Ordinance council just approved would not go into effect regarding a pay increase until April 6, 2017. It's the 3rd reading which makes it thirty (30) days before it becomes law.

Vincent asked if council had any further discussion. Lebold wanted to discuss the policy change further before adjourning. Lloyd asked if council wanted to do half the value across the board. Lang didn't think that would be a good idea since the plans varied. The cost of a family plan would be in excess of 8.00 per hour; the employee and spouse are approximately 7.00 per hour. The single plan is almost 3.00 per hour, etc. Lang felt it would hurt the person more that had a family plan versus the person that's single. Lang wanted to know whether it would be a percentage for everyone or a flat rate. If it's a percent, it would be more fitting per the plan type. The Mayor asked if it's based on a percentage, would App be based off the family plan. App said that would be her next question. That was Lang's concern; what the rate would be as it should be based on what the employee is qualified for. The Mayor said if it's based on eligibility, it would be more than 1.50 for most employees. App added, "I wasn't part of any of this conversation last month; I just wanted to make that clear". Armstrong acknowledged that App left the room in the previous meeting.

Lang said he doesn't want to go half. App agreed, "We wouldn't want to go half because for the family plan it would be over \$4.00 per hour and I'm not doing that". Lebold said he's not saying that. Gettan said, "We don't have to give them anything for not taking the insurance". The Mayor added the option would be we could tell App she has to take the insurance. Gettan said, she's not saying that either. Armstrong said council doesn't have to give anything for the waiver, but it's an incentive to not take the insurance. Gettan said, "exactly".

Lang said there should be a policy based on the category of insurance for present or future employees. Armstrong said it would be something that would get incorporated into our employee policy.

Lang interjected that the employees also have premium options. They could go with Option 3 which is the health savings plan, Option 2 or Option 1 which is the premium plan. App added the Village only pays on Option 2; if the employee wants Option 1 then they have to pay the difference for that option. App said the Village is no longer fully funding Option 1. In the past we used to pay for that, but that was changed a couple years ago. Lebold said, basically it comes down to the employee deciding, yes I want the insurance or no I don't want it and they would receive an incentive for not taking it.

App said, "When I brought this to finance last month, all I asked is that council look at it and decide what they feel is fair and reasonable. I showed council the history of what I have declined with the insurance because I have not wanted to take anything from the Village if I don't have to. Could I use it? Yes, as I spent over \$6,000.00 or \$7,000.00 last year for out of pocket medical; so yes I could use it. However, I do not want to put that kind of burden on the village and that's why I put it in council's hands to try and figure out. I didn't come up with or propose a number. I asked council to consider an incentive. By doing so it's a win for everyone. I win because it would help offset my out of pocket medical; the Village definitely wins as they wouldn't have the health insurance expense". Gettan stated this is nothing abnormal; companies do this sort of thing all the time.

Lebold suggested that options should be drafted out so figures can be reviewed. He said no one knows the figures like App does as to the cost of premiums, etc. Once that is complete, it could come back to council; perhaps after the street and alley meeting on the third Monday. App added, "I don't recommend having a special meeting for this". Lebold said that's fine; it can be brought to the next council meeting in April then council can take time to look at it because council doesn't know all the figures as Marie would know; Lang agreed.

Lebold stated he would like to see a guideline. App said she doesn't have the exact dollar amounts here tonight but she could have something prepared in advance of the next council meeting. The structure would be based on the option in which the Village currently pays which is Option 2.

Armstrong stated a written waiver would also need signed by each employee declining the insurance each year.

Lang asked about part time employees; whether they are offered insurance. Armstrong clarified it would be employees who are consistently scheduled per week who are in excess of 28 or 30 hours; it would not include call outs for snow or water line breaks which are sporadic.

In other news, Lebold asked about the tree that was hit on Park Avenue. Franks stated he already contacted the insurance company and got all the estimates. Franks has the police report and the cost to repair and replace. The Mayor stated this is the 2nd or 3rd time a tree has been hit on that road.

Franks reported the water operator from the county is retiring. His last day with the county is March 31, 2017. He wants to stay on with the Village as an independent contractor. He will sit down with Williams and App to discuss his options. Franks suggests we sit down and discuss whether Williams would be willing to work with Franks on line breaks, etc. Williams would not be eligible for PERS for one year after he retires. Lang said we would need an official resignation. Franks will have something for the next meeting in regards to an independent contractor along with a proposed rate of pay.

There being no further business, Lang moved, seconded by Lapp to adjourn until the next meeting on **MONDAY, APRIL 3, 2017**. In a roll call vote, all members present voted yes.

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Mayor Rebecca S. Hubble

ATTEST: \_\_\_\_\_  
Maria A. App, Fiscal Officer

Approved: April 3, 2017